

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**CHAMBERS OF  
ESTHER SALAS**  
UNITED STATES DISTRICT JUDGE

**MARTIN LUTHER KING COURTHOUSE  
50 WALNUT ST.  
ROOM 2037  
NEWARK, NJ 07101  
973-297-4887**

August 7, 2012

**LETTER ORDER**

**Re: Freeman v. McDowell, et al.  
Civil Action No. 10-1541 (ES)**

Dear Counsel:

Pending before this Court is Plaintiffs Barbara R. Freeman and Gary B. Freeman's ("Plaintiffs") motion to strike the answers of Defendants Drumbrone Capital Group and Robert Emmet McDowell, the principal of Drumbrone Capital Group (collectively, "Defendants"), for violation of Fed. R. Civ. P. 37 and to enter default pursuant to Fed. R. Civ. P. 55(a) ("the Motion"). (Dkt No. 46). Defendants opposed the motion on August 23, 2012. (Dkt. No. 50). On January 24, 2012, Magistrate Judge Cathy Waldor issued a Report and Recommendation recommending that this Court grant the Motion. (Dkt. No. 53). Magistrate Judge Waldor advised the parties that they had fourteen days to file and serve any objections to the Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). The Court notes that there were complications in serving Defendant McDowell with the Report and Recommendation due to a clerical error regarding Defendant McDowell's address of record. (Dkt. Nos. 62, 63, 65). However, the Court is satisfied that Defendant McDowell has been in receipt of Magistrate Judge Waldor's Report and Recommendation since June 18, 2012. (Dkt. No. 66). To date, Defendants have not filed any objections to the Report and Recommendation.

The Court has considered Plaintiffs' submission in support, Defendants' objection, as well as Judge Waldor's Report and Recommendation, and for the reasons stated therein,

IT IS on this 7<sup>th</sup> day of August 2012,

ORDERED that this Court adopts Judge Waldor's January 24, 2012 Report and Recommendation in full, and thus grants Plaintiffs' Motion to strike and enter default; and it is further

ORDERED that Plaintiffs must file a motion for default judgment within 30 days of the date of this order; and it is further

ORDERED that the Clerk of the Court shall terminate Docket Entry Nos. 46 and 53.

**SO ORDERED.**

*s/Esther Salas*

**Esther Salas, U.S.D.J**